

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

(1) JOYCE HAMTPON, INDIVIDUALLY) AND AS SURVIVING SPOUSE OF HARRY) PAYNE HAMPTON, DECEASED)) Plaintiff,)) v.)) (1) RIGHT-AT-HOME TULSA D/B/A) RIGHT AT HOME, a foreign corporation) (2) JANE DOE, an Oklahoma citizen,) (3)RIGHT-AT-HOME, LLC;) (4)RIGHT-AT-HOME, INC.)) Defendants.))	Northern District Case No: 4:20-cv-00472-CVE-FHM Removed From: Tulsa County District Court Case No. CJ-2020-2435 JURY TRIAL DEMANDED
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NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE PARTIES
AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, Pursuant to 28 U.S.C. §1441, Defendants Right-At-Home d/b/a Right At Home, Right-At-Home, LLC and Right-At-Home, Inc. (collectively referred to herein as these “Defendants”) hereby remove the State Court Action, *Joyce Hampton, individually and as surviving spouse of Harry Payne Hampton, deceased vs. Right-AT-Home Tulsa d/b/a Right at Home, et al.*, Case No. CJ-2020-2435, from the District Court of Tulsa County, State of Oklahoma, to this Court. Pursuant to LCvR 81.2(a), a copy of the State Court Action docket sheet and all documents filed in the

State Court Action are attached as Exhibits 1, 2 and 3. There is no scheduling order in the State Court Action. There are no motions pending in the State Court Action.

JURISDICTION

These Defendants have the right to remove the State Court Action to Federal Court, pursuant to 28 U.S.C. §§ 1332 and 1441, because there exists complete diversity of all parties joined and the amount in controversy exceeds the jurisdictional minimum of \$75,000, exclusive of interest and costs. This Notice of Removal is filed within thirty (30) days of service on these Defendants and is timely. 28 U.S.C. § 1446(b)(1). Further, all Defendants served with legal process in the State Court Action consent to removal. 28 U.S.C. §1446(b)(2)(A).

I. DIVERSITY

Jurisdiction depends upon the state of things at the time of the filing of the Petition. *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567 (2004). According to the Petition, Plaintiff is a resident of Oklahoma. (Petition, p. 1, ¶ 1, Exhibit 2). The Defendants are diverse in their citizenship as set forth in the following table:

Defendant	Citizenship for Purposes of Diversity	Authority
Right-at- Home Tulsa d/b/a Right at Home	Kansas	Petition, p. 1, ¶ 2, Exhibit B
Right at Home, LLC	Delaware	Petition, p. 2, ¶ 4, Exhibit B
Right at Home, Inc.	Nebraska	Petition, p. 2, ¶ 5, Exhibit B

II. AMOUNT IN CONTROVERSY

The jurisdictional minimum for the amount in controversy is met as Plaintiff affirmatively states in her Petition that she seeks damages in excess of \$75,000 (Petition, p. 2, ¶ 9, Exhibit 2).

III. PROCEDURAL REQUIREMENTS FOR REMOVAL

This Notice of Removal is timely filed with this Court, pursuant to 28 U.S.C. § 1446(b), because 30 days have not elapsed since the last of these Defendants was served. Additionally, pursuant to the same Federal Statute, one year has not elapsed since the commencement of this action. Lastly, removal is being made to the proper Federal District Court. The pertinent language of 28 U.S.C. § 1446(a) provides that the Defendant shall file the Notice of Removal in “[T]he District Court of the United States for the district and division within which such action is pending.” 28 U.S.C. § 1446(a). This matter is being removed from the District Court of Kingfisher County, State of Oklahoma. The Western District of Oklahoma includes Kingfisher County. *See* 28 U.S.C. § 116(c). Therefore, removal to this Court is proper.

Pursuant to 28 U.S.C. § 1446(d), these Defendants will serve written notice of the filing of this Notice of Removal upon Plaintiff, and will file a copy of the Notice of Removal with the Clerk of the District Court in and for Kingfisher County, State of Oklahoma.

CONCLUSION

This case is proper for removal to this Court based upon diversity of citizenship. Plaintiff is a citizen of Oklahoma and all Defendants joined in this lawsuit have citizenship

outside of Oklahoma. The amount of damages Plaintiff seeks exceeds the amount in controversy threshold. This Notice of Removal is timely filed. Therefore, all requirements for jurisdiction in this Court are satisfied.

Respectfully Submitted,

s/Andrew B. Morsman

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CERTIFICATE OF SERVICE

This is to certify that on the 24th day of September 2020, a true, correct and exact copy of the above and foregoing instrument was mailed, to:

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